

MVP Variance Request Form

Variance Request



No.: A-49

Date Approval Requested by Contractor: 2/15/2019

Date Submitted by Chief Inspector to LEI: 2/17/2019

Date Received by FERC:

FERC Approval Reference No.:

Requested By: Brent Ladd

Spread: A

Variance Type: WS

Request Prepared By *: Megan Neylon

Variance Sequence Number: 049

* The FERC compliance monitor should be alerted and given a copy of the draft variance for review prior to submittal.

Location (Use either Station or Milepost)

Station: 228+28

To: 232+24

Milepost: 4.20

To: 4.20

Alignment Sheet Number: 5

Tract No.: WV-WE-018.11; WV-WE-018.08; WV-WE-6217

Current Land Use/Vegetative Cover: Deciduous Forest

Other Agency Jurisdiction: N/A

Nearby Features (Water body, T&E Habitat, Wetland, Noxious Weed Area, Residence (distance), Cultural Resource Site (distance) etc.):

- ☐ Noxious Weed Area ☐ Raptor Nest ☐ Residence (Distance)
☒ T/E Species Habitat ☐ Cultural Resource Site ☐ Water Well
☐ Other (Specify):

In or w/in 50' of a wetland: ☐ Yes ☒ No

In or w/in 50' of a waterbody: ☒ Yes ☐ No

Wetland or Waterbody ID: N/A
S-HK05 and S-HK06

Additional Stream footage impacted: 0.00

Additional Wetland acreage impacted: 0.00

Net acreage affected: + 3.46

Tree Clearing Required: YES

Acreage of tree clearing: + 0.56

Variance Level: ☐ Level 1 ☐ Level 2 ☒ Level 3

Variance From: ☒ Permit ☐ Plan ☐ Procedures ☐ EPPM ☐ Specification ☐ Drawing ☐ Mitigation Measure

☐ Line List

☐ Other: Describe:

Detailed Description of Variance: Attachments? ☒ Yes ☐ No Photos? ☐ Yes ☒ No

This variance adds MVP-ATWS-SM-064 for slip remediation. No wetlands or cultural resources were found during delineations. Two streams S-HK05 and S-HK06 were found during delineations but are outside of the LOD and will incur no impacts. This variance has a net increase of 3.46 acres of LOD from the original permit. There is a net increase in tree clearing of 0.56 acres. The modification of the tree clearing results in a net increase of 0.56 acres MYSO - Known Use Summer Habitat (KUSH). On January 29, 2018 the USFWS concurred with MVP's proposed process for reviewing variances that require tree clearing. Attachment 2 includes a table that shows MVP's acreage "banks" will remain net positive following approval of this variance request. Resources have been avoided to the extent practicable. Per approved Project plans, BMPs will be installed to minimize impacts to any Environmentally Sensitive Areas within/abutting the area.

List Attachments: Attachment 1 - Alignment Sheet; Attachment 2 - Rare, Threatened, and Endangered Species Report; Attachment 3 - Stream and Wetland Delineation Report; Attachment 4 - Cultural Resource Reports and Concurrences (CUI//PRIV -- DO NOT RELEASE); Attachment 5 - Landowner Exhibits (CUI//PRIV -- DO NOT RELEASE); Attachment 6 - Variance Request Map

Variance Justification:

Necessary for slip remediation. Resources have been avoided to the extent practicable. Per approved Project plans, BMPs will be installed to minimize impacts to any Environmentally Sensitive Areas within/abutting the area.

| For MVP Use Only | | | |
|--|---|---|---|
| Additional Surveys Required | | Surveyed Corridor Description | Additional Surveys Completed |
| Cultural Survey | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | The locations for this variance request were evaluated for cultural resources, waterbodies and wetlands, threatened and endangered species, and habitat. See the attached cover page list of reports. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| T & E Survey | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Waterbodies/Wetlands | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Proof of Previous Biological and Cultural Survey Clearance See attachments 2 and 3 that describe rare, threatened, and endangered species surveys and stream and wetland delineations. USFWS Biological Opinion was issued on 10/31/2017. Additional survey conducted 2/14/2015; 3/12/2019. The cultural resources survey was reported in: Mountain Valley Pipeline Project, Cultural Resource Survey, Volume I, Wetzel, Harrison, Doddridge, and Lewis Counties, West Virginia (Espino et al. 2015 July 2015); Mountain Valley Pipeline Project, Slip Mitigation Workspaces MVP-ATWS-SM-030 (Ext), MVP-ATWS-SM-016 (Ext), and MVP-ATWS-SM-064. Request for Concurrence on Disturbance and No Further Survey Recommendations (Hockersmith March 2019). Filed with FERC 9/12/2015; 3/25/2019. Clearance received from WVDCH 10/6/2015; 3/18/2019. The Concurrence Letter is provided in Attachment 4. | | | |
| Landowner: Land Agent Contact Landowner Approval Obtained | | REDACTED JANNA ARNOLD | |
| Sign Off: | | | |
| | Name | Signature | Date |
| Construction Manager | Todd Carroll | Todd Carroll | 3/22/2019 |
| Lead Environmental Inspector | Travis Huskins | Travis Huskins | 3/22/2019 |
| Third Party Compliance Manager or monitor | | | |
| ROW Land Agent * | Janna Arnold | Janna Arnold | 3/22/2019 |
| Environmental Supervisor | Megan Neylon | Megan Neylon | 3/22/2019 |
| *signature denotes confirmed landowner approval | | | |

For FERC Compliance Monitor and Compliance Manager Use Only

| | | | | | |
|--------------------|--|------------------|--|-------------------|--|
| Variance Approved: | | Variance Denied: | | Beyond Authority: | |
| Signature: | | | | | |
| Date: | | | | | |
| Stipulations: | | | | | |

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|-------------|---|-----------------------|------|
| Spread No.: | A | Variance Request No.: | A-49 |
|-------------|---|-----------------------|------|

VARIANCE CONDITIONS

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|-------|--|--------|--|---------------|--|
| Name: | | Title: | | Organization: | |
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| Conditions: |
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| Name: | Title: | Organization: |
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| Conditions: |
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| Name: | Title: | Organization: |
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|-------------|
| Conditions: |
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Mountain Valley Pipeline, LLC
Mountain Valley Pipeline Project
Docket No. CP16-10-000

Alignment Sheets
Attachment 1

**Mountain Valley Pipeline, LLC
Mountain Valley Pipeline Project
Docket No. CP16-10-000**

**Rare, Threatened, and Endangered Species Report
Attachment 2**

Mountain Valley Pipeline Project
Variance A-49
March 18, 2019

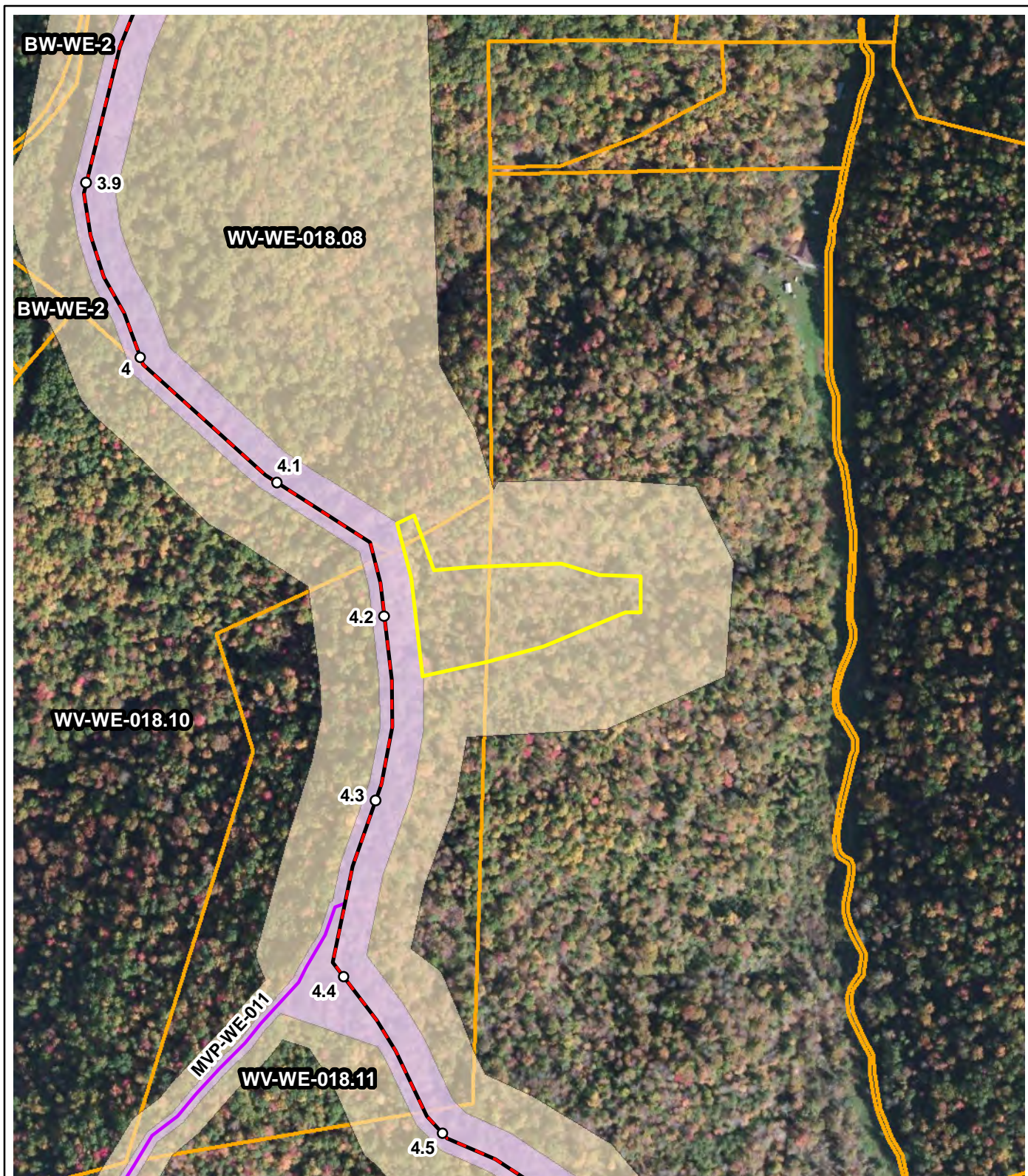
State and federal agencies identified areas where plant surveys were required. This variance does not occur in any of those areas.

There are no impacts to aquatic resources associated with this variance. Which infers there no impacts to listed aquatic species.

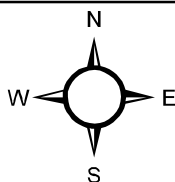
The only avian species-specific presence-absence surveys required for the project are scrub-shrub habitat-specific in the state of Virginia, thus do not apply to this variance area.

The modification of the tree clearing results in a net increase of 0.56 acres MYSO - Known Use Summer Habitat (KUSH). Tree clearing will not occur between April 1st and November 14th as per the BO. On January 29, 2018 the USFWS concurred with MVP's proposed process for reviewing variances that require tree clearing. Attachment 2 includes a table that shows MVP's acreage "banks" will remain net positive following approval of this variance request.

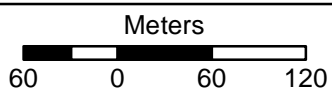
On 2/14/2015 and 3/12/2019, Environmental Solutions and Innovations, Inc. (ESI) conducted field surveys to search for portal openings (winter bat habitat). Surveys were conducted in accordance with agency approved protocols for the project. No portal openings were observed in the variance area.



- MVP Centerline
- MVP Access Road
- MVP Variance
- MVP LOD
- ESI Portal Coverage
- Parcel Boundary



Mountain Valley Pipeline Variance Survey Exhibit; Variance A-49



Base Map: ESRI "World Imagery";
accessed 3/18/2019

**Mountain Valley Pipeline, LLC
Mountain Valley Pipeline Project
Docket No. CP16-10-000**

**Waterbodies and Wetlands Report
Attachment 3**

Mountain Valley Pipeline Project

Variance A-49

March 18, 2019

On March 9, 2019 Tetra Tech, Inc. (Tetra Tech) surveyed the proposed variance in Wetzel Co., WV for wetlands and streams. Wetland delineations were conducted utilizing the Routine On-Site Determination Methodology presented in the US Army Corps of Engineers (USACE) Wetland Delineation Manual (Technical Report Y-87-1) and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Eastern Mountains and Piedmont Region (Version 2.0).

During field surveys, Tetra Tech did not identify any wetlands or streams in the variance area as shown on the attached figure.

Two streams were identified and delineated in the vicinity of the variance area (S-HK05 and S-HK06), as shown on the attached figure, but are not impacted by the variance.



| | | | |
|--|---|--|-----------------------|
| Mountain Valley Pipeline Project | | N NAD 1983 UTM 17N 1 inch = 200 feet | 0 100 200 400 Feet |
| Proposed Variance A-49 <i>Wetzel County, West Virginia</i> March 2019 | Legend [Yellow line] Issued for Construction LOD [Red line] Proposed Variance Limit of Disturbance [Blue line] Ephemeral Stream [Blue hatched box] PEM Wetland | | |
| | Data Sources: ESRI Streaming Data 2014. | | |

Table 1
Bat Habitat Bank Acreage

| | MYSO - Known Summer Use Habitat (acres) | MYSO - Known use spring staging/fall swarming habitat (acres) | MYSO - Suitable Unoccupied Summer Habitat (acres) | MYSO - Unknown use spring staging/fall swarming habitat (acres) | MYSO - Unknown Use Summer Habitat (acres) | NLEB known use spring staging/fall swarming habitat (acres) |
|---|---|---|--|---|--|---|
| Remaining bank acreage from IP-5 table | 0.37 | 1.47 | 13.04 | 6.81 | 13.79 | 0.59 |
| Bradshaw ATWS | 0.02 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| ATWS 1544 | 0.03 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| ATWS 1545 | 0.10 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| LY-27 | 0.00 | 0.00 | 0.00 | 0.00 | 0.15 | 0.00 |
| LY-45/46 | 0.00 | 0.00 | 0.00 | 0.00 | 0.05 | 0.00 |
| Variance A-4 - MP 24.6 | 0.00 | 0.00 | 0.00 | 0.00 | 0.06 | 0.00 |
| Bradshaw Slip Repair Phase 1 | 0.01 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Variance A-5 - MP 28.97 | 0.00 | 0.00 | -0.51 | 0.00 | 0.09 | 0.00 |
| Variance H-3 - MP 234.85 | 0.00 | 0.00 | 0.91 | 0.00 | 0.00 | 0.00 |
| Variance F-3 - MP 159.27 | 0.00 | 0.00 | -0.42 | 0.00 | 0.00 | 0.00 |
| Variance H-2 - MP 240.00 | 0.00 | 0.00 | 0.09 | 0.00 | 2.74 | 0.00 |
| Variance E-4 - LY-058 | 0.00 | 0.00 | 0.00 | 0.00 | 0.01 | 0.00 |
| Variance E-5 - MP 133.46 | 0.00 | 0.00 | 0.27 | 0.00 | 0.00 | 0.00 |
| Variance I-2 - MP-268.8 | 0.00 | 0.00 | 0.00 | 0.00 | 0.45 | 0.00 |
| Variance I-4 - MP 300.7 | 0.00 | 0.00 | 0.00 | 0.00 | 0.18 | 0.00 |
| Variance G-3 - MP 224.1 | 0.00 | 0.00 | 0.00 | 1.67 | 0.00 | 0.00 |
| Variance B-2 - MP 42.7 | 0.00 | 0.00 | 1.45 | 0.00 | 0.00 | 0.00 |
| Variance H-5 - MP 257.9 & 258.2 | 0.00 | 0.00 | 0.39 | 0.00 | 0.00 | 0.00 |
| Variance I-5 - MP 261.47 | 0.00 | 0.00 | -0.25 | 0.00 | 0.00 | 0.00 |
| Variance H-6 - MP 235.58 | 0.00 | 0.00 | 0.39 | 0.00 | 0.20 | 0.00 |
| Variance F-6 - MP 176.8 | 0.00 | 0.00 | 0.00 | 0.00 | 0.08 | 0.00 |
| Variance D-4 - MP 110.1 | 0.00 | 0.00 | 0.08 | 0.00 | 0.00 | 0.00 |
| Variance E-6 - MP 143.9 | 0.00 | 0.00 | 0.00 | 0.00 | 0.08 | 0.00 |
| Variance F-5 MP 166.07 | 0.00 | 0.00 | 0.24 | 0.00 | 0.00 | 0.00 |
| Variance D-7 - MP 119.0 | 0.00 | 0.00 | 2.64 | 0.00 | 0.00 | 0.00 |
| Variance D-6 - MP 115.74 & 115.85 | 0.00 | 0.00 | 1.22 | 0.00 | 0.00 | 0.00 |
| Variance B-3 - MP 60.29 | 0.00 | 0.00 | 0.01 | 0.00 | 0.27 | 0.00 |
| Variance C-6 - MP 79.46 | 0.00 | 0.00 | 0.00 | 0.00 | -0.21 | 0.00 |
| Variance C-2 - MP 82 | 0.00 | 0.00 | 0.00 | 0.00 | 1.11 | 0.00 |
| Bradshaw Phase II | 0.01 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Variance A-11 (MP 23.8) | 0.00 | 0.00 | 0.00 | 0.00 | 0.30 | 0.00 |
| Variance I-10 (MP 266.3) | 0.00 | 0.00 | 0.00 | 0.00 | -0.64 | 0.00 |
| Variance A-12 (MP 6.8) | 0.01 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Variance B-7 (MP 60.07) | 0.00 | 0.00 | 0.00 | 0.00 | 1.51 | 0.00 |
| Variance A-15 (MP 12) | 0.00 | 0.00 | 0.00 | 0.00 | 0.19 | 0.00 |
| Variance H-7 (MP 238.3) - Transco Credit | 0.00 | 0.00 | -11.25 | 0.00 | 0.00 | 0.00 |
| Variance H-7 (MP 238.3) | 0.00 | 0.00 | 8.37 | 0.00 | 0.27 | 0.00 |
| Variance I-12 (LY-035 Ext) | 0.00 | 0.00 | 0.00 | 0.00 | 0.01 | 0.00 |
| Variance H-9 (MP 237.5) | 0.00 | 0.00 | 0.00 | 0.00 | 0.24 | 0.00 |
| Variance D-17 (MP 108.17) | 0.00 | 0.00 | 4.08 | 0.00 | 0.43 | 0.00 |
| Variance E-10 (MP 149.45) | 0.00 | 0.00 | 0.00 | 0.00 | 0.21 | 0.00 |
| Variance C-10 (MP 68.4) | 0.00 | 0.00 | 0.00 | 0.00 | 2.34 | 0.00 |
| Variance C-11 (MP 86.3) | 0.00 | 0.00 | 0.00 | 0.00 | 1.84 | 0.00 |

Table 1
Bat Habitat Bank Acreage

| | MYSO - Known Summer Use Habitat (acres) | MYSO - Known use spring staging/fall swarming habitat (acres) | MYSO - Suitable Unoccupied Summer Habitat (acres) | MYSO - Unknown use spring staging/fall swarming habitat (acres) | MYSO - Unknown Use Summer Habitat (acres) | NLEB known use spring staging/fall swarming habitat (acres) |
|--|--|--|--|--|--|--|
| Variance A-14 (MP 6.5) | 0.05 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Variance A-14 (MP 6.5) - MVP-WE-014 & ATWSs credit | -12.96 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Variance A-14 (MP 6.5) - MVP-LY-024 credit | -0.86 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Variance B-10 (MP 35.1) | 0.00 | 0.00 | 0.34 | 0.00 | 0.00 | 0.00 |
| Variance A-23 (MP 0.10) | 0.87 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Variance A-24 (MP 2.65) | 0.82 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Variance A-25 (MP 2.10) | 1.20 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Variance C-12 (MP 84.3) | 0.00 | 0.00 | 0.00 | 0.00 | 1.45 | 0.00 |
| Variance C-13 (MP 68.9) | 0.00 | 0.00 | 0.00 | 0.00 | 0.33 | 0.00 |
| Variance A-27 (MP 3.4) | 0.16 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Variance G-6 (MP 210.0) | 0.00 | 0.37 | 0.00 | 0.00 | 0.00 | 0.00 |
| Variance A-26 (MP 4.0) | 1.92 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Variance C-14 (MP 84.4) | 0.00 | 0.00 | 0.00 | 0.00 | 0.15 | 0.00 |
| Variance C-14 (MP 84.4) - MVP-LE-066.01 credit | 0.00 | 0.00 | 0.00 | 0.00 | -1.30 | 0.00 |
| Variance A-29 (MP 1.9) | 0.06 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Variance A-30 (MP 3.9) | 1.36 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Variance G-7 (MP 199.52) | 0.00 | 0.00 | 0.00 | 0.07 | 0.00 | 0.00 |
| Variance B-11 (MP 52.6) | 0.00 | 0.00 | 0.60 | 0.00 | 0.00 | 0.00 |
| Variance B-13 (MP 50.3) | 0.00 | 0.00 | 0.39 | 0.00 | 0.00 | 0.00 |
| Variance A-20 (MP 5.7 - 6.0) | 1.72 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Variance Transco-1 | 0.00 | 0.00 | 0.11 | 0.00 | 0.00 | 0.00 |
| Variance G-9 (MP 209.42) | 0.00 | 0.29 | 0.00 | 0.00 | 0.00 | 0.00 |
| Variance A-34 (MP 7.9) | 0.42 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Variance A-36 (MP 8.6) | 0.11 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Variance A-41 (MP 1.2) | 0.22 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Variance B-16 (MP 47.13) | 0.00 | 0.00 | 0.00 | 0.00 | 0.31 | 0.00 |
| Variance A-39 (MP 32.40) | 0.00 | 0.00 | 0.00 | 0.00 | 0.59 | 0.00 |
| Variance A-42 (MP 3.16) | 0.08 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Variance A-44 (MP 6.62) | 0.14 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Variance A-45 (MP 9.10) | 0.04 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Variance A-29 (MP 0.9) | 0.30 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Variance A-51 (MP 2.1) | 0.29 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Variance A-46 (MP 2.65) | 0.02 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Variance A-50 (MP 4.0) | 0.87 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Variance A-49 (MP 4.2) | 0.56 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Net Remaining Acreage for variances to date | 2.80 | 0.81 | 3.89 | 5.07 | 0.30 | 0.59 |

**Mountain Valley Pipeline, LLC
Mountain Valley Pipeline Project
Docket No. CP16-10-000**

**Pipeline Variance
Request Map
Attachment 6**



Mountain Valley Pipeline Project

NAD 1983 UTM 17N

0 50 100 200 300 400 Feet

Mountain Valley PIPELINE

FERC Docket No. CP16-10-000

MVP Variance A-49

WETZEL COUNTY

March 2019

Legend

- Issued for Construction Milepost
- Issued for Construction Route
- Issued for Construction Limits of Disturbance
- Parcel Boundary
- Proposed Variance Additional Temporary Workspace

1 2 3 4 5 6 7 8

York Rd

Manington Rd

Smithfield

US-20

WV-100

Cheat River

Data Sources: ESRI Aerial Imagery, All Issued for Construction data was filed with FERC on 12/20/2017.